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For-profit Schools in England

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For-profit Schools in England: the State of a Nation

Trends towards the marketisation of the schooling sector have led to suggestions that state-funded schools in England will soon be allowed to operate on a for-profit basis. This article has two aims: to contribute to understanding of the regulation and characterisation of existing for-profit schools in England; and to assess the claim that for-profit schools ‘significantly outperform’ all independent schools (Croft, 2010) by exploring the use of large scale databases including the National Pupil Database (NPD). This study highlights the growth of the for-profit sector, and the scarcity of legislation detailing the financial governance, educational oversight and staffing requirements of schools in the for-profit schooling sector. The for-profit schooling sector is found to be underperforming in terms of school inspection ratings at a level of statistical significance in comparison to the state funded schooling sector. Furthermore, performance indicators relating to GCSE and A level results suggest that the for-profit sector is underperforming compared to the not-for-profit independent sector. As such, the findings of this research have implications in undermining the neoliberal argument that has driven significant change in the schooling landscape in recent times.

Keywords: for-profit schools, academic outcomes, inspection outcomes, profit motive

Introduction

The majority of schools in England are operated by public and not-for-profit organisations, yet there is a growing body of for-profit independent schools and calls from some quarters to increase the role of the private sector in the management of schools, including in the operation of free schools, within the state sector (Miller, Craven & Tooley, 2014; Croft, 2010). Indeed, it has been reported that politicians from across the political spectrum have said that there would be no alternative but to allow for-profit companies to operate in state-funded education if there was evidence to support it (Barkham & Curtis, 2010; See, 2012). The existing for-profit sector in England is poorly characterised and under-researched. This study aims to address that, in part, by describing the existing for-profit sector in England, and examining the claim that the

profit motive created through the market drives up standards (Croft, 2010). In this article we examine the argument made by supporters of for-profit schools, develop current understandings of what constitutes a for-profit school with particular reference to ownership and governance, use national datasets to examine the characteristics of the for-profit sector, and we compare educational outcomes for the for-profit sector with the not-for-profit independent sector and all state maintained schools. Finally, we discuss our findings in relation to existing literature and outline implications and future research directions.

In the neoliberal economic model, it is assumed that competition created through the market will lead to the most efficient outcomes at the lowest possible price (Hill & Welsch, 2009). In practice, this promotes the deregulation and privatisation of all industries (Davies & Bansel, 2007; Thorsen, 2010). Neoliberalism can be seen to have shaped a radical transformation of the schooling landscape in England in which the role of the state is diminishing whilst private sector involvement and notions of the market-place spread (Ball, 2008; Tomlinson, 2015). Although for-profit providers are currently explicitly excluded from participating directly in the compulsory state schooling sector, the trend in England is towards increased involvement of the private sector. This has been manifest in, for example, changes in legislation in 2011 and 2013 allowing providers of further and higher education respectively to operate on a for-profit basis, and within the state school sector in the provision of goods and services such as examinations and assessments, textbooks and temporary staff by private companies operating for profit (Ball, 2015). Indeed, Dr Julian Huppert, MP for Cambridge during the Coalition government reported in Parliament that 'there are a number of things that we [Liberal Democrats] have simply not allowed to happen: for-profit schools...' (House of Commons, 2014).

The introduction of the academies and free schools programme represents another move towards deregulation of the education system, leading to suggestions from academics and politicians that state-funded schools will soon be permitted to operate on a for-profit basis (Hatcher, 2011; HC Deb, 2012). Indeed, out-contracting services has included, in one case, the outsourcing of the operation of a school by its trustees to a for-profit company (Ball, 2015) - a consequence made possible as a result of defining the school as the charitable activity of the governing body charity, rather than as an entity in itself (DfE, 2014). Junemann and Ball (2013) highlight that reports, seminars and policy conversations are making an argument that 'the disciplines of profit are what is needed to reform and re-energise the public sector. That is, enterprise can succeed where the state has failed' (p.429). However, the success criteria are undefined: for Croft (2011), the performance outcome measure of choice is Ofsted and ISI inspection outcome. This is a narrow measure of success, taking account of outcomes over a short period of time (typically 3 years). Parents and children are likely to have a wide range of ways of conceiving educational success, which are likely to include ideas about how well school enables children to achieve outcomes of value to them.

A range of objections to for-profit schooling exist. These include the argument that introducing the profit motive corrupts the relationship between the owner and the population served, in this case what it means to be educated, crowding out values worth caring about (Sandel, 2012). In such a marketised education system there exists the possibility that students become viewed as high or low value assets to be nurtured or avoided (Ball, 2015) with consequences for equity and access. This has been observed elsewhere in the world. Charter schools (which can operate on a for-profit basis in some states of the USA) have been found to

impede equitable access to educational opportunities (Lubienski, 2013). In Chile, where for-profit schools participate in a universal voucher system, socio-economic segregation has expanded over time (See, 2012). There further exists the possibility of monopoly or cartels of schools operating within an area which could squeeze out other providers before raising costs of education or reducing budgets, eroding the quality of education in that region over time (Tooley, 2007). These longer term changes to the educational landscape, and to educational relationships are important to be aware of, but the purpose of this article is to examine the current state of the for-profit sector in England, and assess the performance of the sector in its own measurable terms: does the profit motive drive up standards in the sector?

Blurred lines: defining for-profit schools

Although the Department for Education (DfE) in England acknowledges that schools in the independent schooling sector can be run on a for-profit basis, they do not have a definition of for-profit schools; nor do they hold a list of for-profit independent schools (DfE, personal communication, 10 February 2017). Schools which are not funded by the government, as identified by the DfE can be ‘independent schools’ or ‘independent special schools.’ Croft (2010) states that a for-profit school is a school in the independent schooling sector operating without a charitable trust vehicle (p.24). A charitable trust vehicle is a mechanism which recognises an organisation as existing for charitable purposes (such as the advancement of education) and ensures funds generated are invested for the public benefit. However Croft (2010) does not detail what charitable trust vehicle schools can adopt. All detailed guidance documents and ‘how to’ guides ($n = 59$) available as part of the Charity Commission’s Publication Scheme were examined to recognise what charitable trust vehicles schools can adopt. There are two appropriate vehicles for independent schools, depending on school income. Where income is greater than £5000, charitable status is the appropriate vehicle (with a requirement for annual submission of financial returns to the Charity Commission). For independent schools operating on a charitable basis with an income of less than £5000 the appropriate charitable trust vehicle is the submission of annual returns to HM Revenue and Customs to claim back applicable taxes (The Charity Commission, 2014). As a result, we are defining for-profit schools as:

schools in the independent schooling sector operating without charitable status (in the case of schools generating an income of more than £5000) or without a charitable mandate obtained from HM Revenue and Customs (in the case of schools generating an income of less than £5000).

This definition of for-profit schools provides clear and operational criteria through which to identify and study for-profit schools. All for-profit schools are assumed to be operating in the independent sector because academies, foundation schools and voluntary schools are exempt charities, regulated by the Secretary of State for Education. However, it is important to note that there are blurred lines between the profit and not-for-profit sectors. Schools in the for-profit sector may not be motivated by the profit motive, but rather by the increased freedom afforded by not operating with a charitable vehicle. Conversely, where a school does not operate on a for-profit basis, profit exists within the independent and state school sectors. UK independent schools are able to operate international schools for profit while their UK operation holds a

charitable trust vehicle, and products and services are increasingly provided to all types of school (including state maintained and academy and free schools) by private companies intending to make a profit. Although all charities must serve a charitable purpose and must have an identifiable benefit to the public, private benefits are permitted, but must be incidental (DfE, 2014). This grey area is of relevance to the operation of private companies within the not-for-profit independent and state sectors.

Identifying the for-profit school population

Working with the definition of for-profit schools above, we compiled an up-to-date database of the for-profit school population in August 2016, complete and accurate to the best of our knowledge. All organisations with charitable status have a legal requirement for their records to be held on a National Charities Register (The Charity Commission, 2014). As such, the absence of charitable status and being listed on the National Charities Register provided a verifiable indicator through which to recognise for-profit schools generating an income of more than £5000. Schools operating on a charitable basis generating an income of less than £5000, however, do not obtain charitable status. A search of HM Revenue and Customs' Services and Information Site for Charity Money, Tax and Accounts was conducted to find an equivalent record of such organisations. As no records were returned it was not possible to determine whether schools generating an income of less than £5000 were operating on a charitable basis or not. However, given that the average annual school fees for independent schools are £16,500 per child, it is unlikely that schools operating on a charitable basis would be exempt from gaining charitable status as this is more than three times the minimum £5000 threshold (Davis, 2016). If this sector is to be held up for scrutiny and to be held accountable, public records of school type need to be updated to include schools operating on a for-profit basis.

A population list of all independent schools in England highlighting which schools were contained on the National Charities Register was obtained from the DfE (August 23 2016). This contained a total of 2640 independent schools operating in England. Excluding schools with charitable status left a total of 977 schools. This population was reduced further as no data or online records could be found for 34 schools on the list. This left a final population of 943 for-profit schools operating in England.

The remainder of this article presents an analysis of the for-profit school sector, and where relevant, a comparison with the not-for-profit independent and state-funded sectors.

Methods

In order to find out about the legislation and policies relating to the governance and management of for-profit schools, a detailed search of government legislation and policy was carried out on the following sources: www.legislation.gov.uk and www.gov.uk/government/policies using the following search terms: independent school, for-profit school, for profit school, proprietorial school, proprietary school, academies, free schools, maintained schools, governance, regulation, audit, monitor, compliance, policies, rule, funding.

A secondary data file matching the for-profit school population with data from the three sources below was created:

- (1) Edubase was used to identify school inspectorate, school ownership, school location and school status of each for-profit school.
- (2) Ofsted was used to identify school inspection reports for all for-profit schools recorded as using Ofsted as an inspectorate on Edubase (n = 655). School inspection reports were identified for 624 for-profit schools (95 per cent of this sample). The schools for which no reports could be found were identified to have opened in 2016 and as such, it was assumed that this sample of schools had not been subject to an Ofsted inspection since opening. The rating from the most recent school inspection for each school was recorded for each for-profit school.
- (3) The National Pupil Database (NPD) was used to access the most up-to-date and complete GCSE and A level attainment data available at the time of the study for all schools in the three sectors of interest. This constituted 2012/13 KS4 GCSE performance data for all relevant for-profit (n = 220), state-funded (n = 3998) and not-for-profit independent (n = 688) schools in England and 2014/15 KS5 A Level performance data for all relevant for-profit (n = 73), state-funded (n = 2338) and not-for-profit independent (n = 521) schools in England. We are grateful to the DfE for providing this data. The smaller number of for-profit schools for which GCSE attainment measures exist reflects the composition of the for-profit sector: many are new schools, special schools or preparatory schools which do not enter students for GCSE examinations. There are others which offer international programmes such as the US High School Diploma.

In addition, the following data sources were used to inform comparisons

- (4) Statistics at DfE were used to collect data relating to school ownership, school location and school status for state schools.
- (5) Statistics at Ofsted were used to collect national averages relating to school inspection outcomes for all state-funded schools in England.

The secondary data file was imported into SPSS. Chi-square goodness-of-fit tests were used in the case of categorical variables to determine if the observed group frequencies of for-profit schools differed to national averages sourced for the state-funded schooling sector at a level of statistical significance (Elliott & Woodward, 2007; Allen, Bennett & Heritage, 2014). As raw scale attainment data was available for all school groups, independent samples t tests were used to test differences in the population means at a level of statistical significance for attainment at the end of key stages 4 and 5 (Allen, Bennett & Heritage, 2014).

Findings

The findings are presented under the following headings: (under) regulating schools; growth of the for-profit sector; characteristics of for-profit schools; inspection providers and outcomes; and academic outcomes.

(Under) regulating schools

In this section, we consider how legislation applies to for-profit schools, particularly in relation to financial accountability, staffing, ownership and governance.

All schools in the independent schooling sector are subject to the same regulations in the form of the Education (Independent School Standards) Regulations 2014. In terms of financial management, these regulations make no mention of profit or financial regulations, excluding the brief mention of funding for Local Authority (LA) sponsored pupils. In association with the fact that the DfE does not hold a list of for-profit independent schools this illustrates that the government has not put in place specific audit requirements for independent schools operating on a for-profit basis. This contrasts with schools operating with charitable status, which must submit financial returns to the Charity Commission (Charity Commission for England and Wales, 2016).

Comparing this to the state-maintained schooling sector, all schools are subject to DfE-led financial management regulations to avoid the misuse of state funding. Illustrative of this, maintained state schools must complete the schools financial value standard and assurance document and LAs oversee and can intervene in the financial management of these schools (Education Funding Agency (EFA), 2016a). Although LAs do not oversee the financial management of academies and free schools, ostensibly providing school leaders more control in terms of school budgeting decisions, academies and free schools must still adhere to the financial regulations outlined in the Academies Financial Handbook (Roberts, 2017; EFA, 2016b). In August 2011, the Secretary of State for education became the Principal Regulator for academies and free schools. Schools in the for-profit schooling sector can therefore be characterised as under-regulated in terms of financial management in comparison to the broader independent sector and state-funded schooling sector. Limited financial regulations in addition to the presence of the profit-motive make parents, pupils and local authorities (in the case of children and young people in care) vulnerable to financial exploitation. This is an argument found in news coverage raising concerns that for-profit schools do not invest in the education of pupils, but rather act in line with a motivation to obtain or maintain high operating profits (Boffey, 2011).

In terms of school staffing requirements, the Education (Independent School Standards) Regulations 2014 highlight that school staff members must not be barred from working with children or be working in contravention of a prohibition order. The Education (Independent School Standards) Regulations 2014 do not detail specific qualification requirements for staff, including teachers, working in the independent schooling sector. In comparison to this, teachers working in maintained state schools must meet the conditions noted above for working with children, in addition to holding qualified teacher status (QTS). Due to increased freedoms granted to academies and free schools in 2012, these schools are becoming more aligned with the independent sector, with teachers working in academies and free schools no longer required to hold QTS or an equivalent teaching qualification (DfE, 2012). The DfE (2012) justified this change stating that this would 'help schools improve faster' (para.5), although limited evidence supporting this claim was provided. This finding demonstrates how the ideological argument in favour of reduced regulations has sculpted school staffing requirements in academies and free schools to mimic those in place in the independent and for-profit schooling sectors. In market theory, competition is expected to lead to the most efficient

outcomes at the lowest price. With staff salaries typically counting for more than 70% of school expenditure, staff pay is one way to cut costs, with schools able to achieve this by employing less qualified members of staff. Again, the ways in which such under-regulation has the potential to shape the system over a longer period of time needs to be monitored. As Junemann and Ball (2013) have argued, current policy changes such as the exemption of academies and free schools from national arrangements on the pay, conditions and certification of teachers are setting the scene for a context in which for-profit providers not just could be, but would want to be part of the state schooling system as the increased flexibility and freedom create conditions in which there are possibilities for profit-making (p.429), including income from the state.

Finally, in terms of school ownership and governance, the Education (Independent School Standards) Regulations 2014 highlight that an individual or group, referred to as a school proprietor, can own and manage a for-profit school(s) and that no school governors are required. In contrast to this, an individual cannot own and manage a school in the state-funded schooling sector. Instead, charitable groups or LAs (in the case of maintained state schools) and foundations or trusts (in the case of academies and free schools) take on this role with the support of school governors or school trustees (DfE, 2017a; DfE, 2017b; Roberts, 2017). This characterises the for-profit schooling sector as more autonomous in terms of regulations in comparison to the state-funded schooling sector. However, as the DfE (2017b) states that the purpose of school governors and school trustees is to hold ‘executive leaders to account’ (p.9) for the educational performance and financial management of a school, it does raise the question of how school leaders in the for-profit schooling sector are held to account. Using data from the DfE and Edubase, we found that in 16 per cent of all for-profit schools ($n = 162$), the school proprietor is also the school head teacher.

Characteristics of the for-profit sector

In mapping the for-profit sector, we examined the growth of the sector, the age ranges for which for-profit schools are legally allowed to provide for, the proportion of schools that are special schools (for children whose needs cannot be met within a mainstream setting), school ownership and the geographical distribution of for-profit schools.

The first for-profit school that remained open at the time of the study (August 2016) was established in 1910, demonstrating that the sector cannot be characterised as a new. However, it is a sector that is expanding and figure 1 illustrates the rapid growth of the sector: since 2010, 254 new for-profit schools have opened (representing 27% of all for-profit schools) in comparison to 432 new schools in the state-funded schooling sector (representing 2% of all state-funded schools) (DfE, 2017c). The for-profit sector is expanding at a greater rate than the state sector, although all schools which closed prior to 2016 are excluded in this analysis.

[Figure 1 near here]

The majority of for-profit schools are mixed ($n=851$), with approximately 3% single sex girls' schools ($n=32$) and 6% single sex boys' schools ($n=60$). As of August 2016, there was a range in number of pupils on roll from 0 to 3930, with a mean of 123 and a median of 62. Many of the smallest schools are alternative providers, schools that cater for children with social, emotional and mental health difficulties, schools with a particular religious ethos, special schools, or schools which have since closed.

For-profit schools are unevenly distributed across England (see table 1), with a mode of 3 and a range between 0 and 33 for-profit schools per local education authority (LEA). The LEAs containing the greatest concentration of for-profit schools are all in the south, except for Lancashire. In the marketisation of the state system through the academies and free schools programme, there has been found to be exclusion of pupils from less advantaged backgrounds through the use of biased catchment areas (Hatcher, 2011; Green, Allen & Jenkins, 2015).

[Table 1 near here]

Out of the 943 for-profit schools identified, 39% ($n=364$) were registered to provide for the primary and middle school years (i.e. for children up to age 15, before the end of key stage 4) and 61% ($n=579$) catered for children up to age 16 (the end of key stage 4). Of the latter, 61% also taught children who reached the end of key stage 5 at the school. That is not to say that all of these schools enter children for end of key stage examinations such as GCSEs or A levels. Edubase records a high proportion of for-profit special schools: According to Edubase, 61 per cent of for-profit schools ($n = 578$) in England are recorded as 'Other Independent Schools.' All other for-profit schools ($n = 365$) in England are recorded on Edubase as 'Independent Special Schools' which Edubase (n.d.) defines as independent schools catering for children with special educational needs. Analysing DfE (2016a) data using a chi-square test for goodness of fit (with $\alpha = .05$) indicates that the proportion of special schools to other schools in the for-profit schooling sector is different to that of the state-funded schooling sector at a level of statistical significance, $\chi^2(1, N = 943) = 6906.782, p < .001$. Whereas 39 per cent of for-profit schools are special schools, just 5 per cent and of state-funded schools and 8 per cent of independent not-for-profit schools are special schools. This does not take account of alternative providers in either the state or independent sectors. This is interesting area of activity, with the intersection of the state as local authorities can commission special education in the private sector where children's needs are unmet in mainstream schools.

Analysis of the proprietors of for-profit schools revealed that of the 943 for-profit schools identified, 277 (29%) exist as part of a larger schooling organisation. The largest providers of for-profit schooling in the UK at the time of the research were Cognita Schools Ltd (35 schools), Cambian Group PLC (28 schools), Priory Education Services (20 schools), Alpha Schools Ltd (12 schools) and Alpha Plus Group Ltd (11 schools). Within the management of these companies, there was crossover between the state and for-profit sector; for example the founder of Cognita was the Chief Inspector of Schools between 1994-2000 (Cognita, 2015) and the former chief executive of the Alpha Plus group Ltd is now head of the executive board of Academies Enterprise Trust (AET, 2017), which operates 61 state-funded academies. Larger

chains, whilst providing opportunities for economies of scale previously accessible to LEAs, may reduce local autonomy over decision-making. These private chains are positioned such that they could become academy sponsors, should the prohibition on profit be lifted for state-funded academies.

Some of the proprietors of smaller for-profit schools have other business concerns such as nurseries and children’s residential care homes. We found examples of on-site alternative provision at children’s care homes, meaning that vulnerable children are having care and education provided on the same site by the same people. Whilst this has the possibility of providing a nurturing and caring environment, the safeguarding role in such a situation is carried out by the same people. The proliferation of small for-profit schools in this sector should be monitored closely. Children’s care, is being increasingly provided by private companies. Associated with the transfer of children’s care services to private contractors has been the separation of properties from care delivery, declining performance and declining profitability of providers (DfE, 2015). This has taken place over a 20 year time period. Such incremental, ‘invisible’ devastation has been described in the environmental sphere as ‘slow violence’ (Nixon, 2011). This concept highlights that the repercussions of actions may not be seen for generations, an idea that may well apply to the social and political sphere here in the gradual deregulation of the education system.

Inspection providers and outcomes

Ofsted inspects all schools in the state-funded schooling sector (Ofsted, 2016a), whereas schools in the for-profit sector have greater freedom over inspectorate used. Ofsted inspects for-profit schools which are not part of an association, such as the Independent Schools Inspectorate (ISI) or the School Inspection Service (SIS) (DfE, 2016b). Most schools in the for-profit schooling sector (70%) use Ofsted as a school inspectorate rather than join an association. All non-association independent schools will have a standard inspection within 3 years from September 2015, with those judged to require improvement re-inspected within 2 years.

Whilst state-funded schools are not charged a fee for regular inspection, for-profit schools are subject to inspection fees. Small schools, defined as those with 150 pupils or less, are charged an inspection fee of £200 plus £9 per pupil. Large schools, defined as those with 151 pupils or more, are charged an inspection fee of £1666. There are also additional fees for required follow-up inspections (DfE, 2016b). Given the numbers of students on roll in for-profit schools (available for 98 per cent of this sample), it can be calculated that inspecting all non-association for-profit schools once generates Ofsted an income of over £800,000, plus any income generated from follow-up inspections. The Education Act 2011 introduced legislative change to permit Ofsted to charge fees to schools requesting additional school inspections (Morris, 2011). At the time of this change, Labour MP Stephen Twigg highlighted that the introduction of a fee-based service challenged the impartial nature of Ofsted (‘Editorial: Schools and Scheduled Ofsted Visits’, 2012). The availability of choice of inspectorate raises concerns in relation to the school inspectorate model adopted in the for-profit schooling sector which promotes choice in line with neoliberal values. If for-profit schools are dissatisfied with Ofsted’s evaluation, there are other school inspectorates providing the same service.

Ofsted evaluate schools in relation to a range of variables including leadership and management, learning and assessment, and behaviour and welfare to reach a school inspection rating ranging from outstanding (1) to inadequate (4). For maintained schools graded 4 (inadequate), the school is forced to convert to an academy. If an academy is graded 4, the regional schools commissioner, Secretary of State for Education or the Education and Skills Funding Agency can terminate the agreement with the existing academy trust and move it to another trust. For schools in the for-profit sector graded 4, the school must produce an action plan to be monitored by Ofsted, and if improvements are not made, the DfE may close the school.

Croft (2010) compared the Ofsted school inspection outcomes of schools in the for-profit ($n = 294$) and not-for profit ($n = 1170$) independent schooling sectors finding that 84 per cent of for-profit schools were rated 'outstanding' or 'good' in comparison to just 66 per cent of not-for-profit independent schools. A similar investigation was made in this research report to reflect any changes since Croft's study, however, an additional comparison was drawn between the most recent school inspection rating of schools in the for-profit ($n = 624$), and state-funded ($n = 20,947$) schooling sectors utilising Ofsted (2016b) data. Figure 2 illustrates the Ofsted inspection outcomes of for-profit and state-funded schools. A chi-square test for goodness of fit (with $\alpha = .05$) illustrates that the inspection outcomes of for-profit and state-funded schools are significantly different, $\chi^2(3, N = 624) = 202.205$ $p < .001$ (see appendix 16). Whereas 89 per cent of state-funded schools are rated 'outstanding' or 'good', just 75 per cent of for-profit schools meet this same standard. Recent analysis of non-association independent school (the group to which for-profit schools belong) Ofsted inspection outcomes has identified a decline in outcomes, with increasing numbers of such schools being judged as inadequate (DfE, 2016). This finding illustrates that the state-funded schooling sector outperforms the for-profit schooling sector, undermining the neoliberal suggestion that the profit-motive is an effective mechanism through which to encourage improved performance, where performance is defined as inspection outcome.

[Figure 2 near here]

Academic outcomes

A range of performance measures exist at age 16, with Progress 8 and Attainment 8 introduced by the government as the headline school performance indicator in 2016. The most up-to-date attainment data obtained from the NPD predates the introduction of this measure, so the measure used in this study was the percentage of pupils achieving 5 GCSE passes at A* to C in schools in state-funded ($n = 3021$), independent not-for-profit ($n=648$) and for-profit ($n = 133$) schools. All special schools were excluded from both samples to prevent a skew in the data due to an awareness of the higher proportion of special schools operating in the for-profit schooling sector. The purpose of the analysis in this study was to describe the sector as a whole.

The average percentage of pupils obtaining 5 or more GCSE passes at grade A* to C were 50.45 (for the for-profit independent sector), 54.20 (for the state sector), and 59.88 for the not-for-profit independent sector. A t test illustrated that a higher percentage of pupils in schools in the state-funded schooling sector ($M = 54.20$, $SD = 19.139$) achieve 5 GCSE passes at A* to C in comparison to pupils in schools in the for-profit schooling sector ($M = 50.45$, $SD = 34.619$),

however, this difference is not at a level of statistical significance, $t(135.575) = 1.241$, $p = .217$, two-tailed. A further independent samples t test illustrated that pupils in schools in the not-for-profit independent schooling sector ($n = 648$, $M = 59.88$, $SD = 37.363$) outperform pupils in schools in the state-funded schooling sector ($n = 3021$, $M = 54.20$, $SD = 19.139$) in terms of the average percentage of pupils achieving 5 GCSE passes at A* to C at a level of statistical significance, $t(721.388) = -3.762$, $p < .001$, two-tailed, $d = 0.19$, 95% CI [-8.636, -2.713]. This finding illustrates that the not-for-profit independent schooling sector outperforms the for-profit independent schooling sector, again undermining the suggestion that the profit-motive is an effective mechanism through which to encourage improved performance.

At key stage 5, we used average A level point score per pupil as a measure to compare performance in the for-profit ($n = 73$), not-for-profit independent ($n = 448$) and state-funded ($n = 2172$) schooling sectors. Special schools were again excluded from all groups. An independent samples t test was used to examine if for-profit schools ($n = 73$) outperform not-for-profit independent schools ($n = 448$) in terms of the average A Level points score per pupil. This t test illustrated that not-for-profit independent schools ($M = 233.72$, $SD = 23.132$) outperform for-profit schools ($M = 224.23$, $SD = 23.823$), $t(519) = 3.240$, $p = .001$, two-tailed, $d = 0.4$, 95% CI [3.739, 15.258], at a level of statistical significance. Whilst this finding cannot explain the difference in performance across the KS4 and KS5 level, it does indicate in line with previous findings reported in this research project that the profit-motive is not an effective mechanism through which to encourage improved performance.

In comparison with the state-funded sector, the t test illustrated that schools in the for-profit schooling sector ($M = 224.23$, $SD = 23.823$) achieve a higher average A Level points score per pupil than schools in the state-funded schooling sector ($M = 203.98$, $SD = 19.941$) at a level of statistical significance, $t(75.430) = -7.177$, $p < .001$, two-tailed, $d = 0.92$, 95% CI [-25.865, -14.627]. This finding is interesting as it does not fit the model of school performance identified at the KS4 level.

[Table 2 near here]

Discussion and conclusions

This study aimed to examine the current status of the for-profit sector in England, to identify some key differences between this group of schools and the not-for-profit independent sector and the state-funded sector; and to assess the success of the current for-profit sector in terms of the arguments made by supporters of for-profit schools. This study has developed our understanding of this under-researched sector, and enriches current discussions surrounding the neoliberal transformation of schooling in England. It also informs calls to increase the role of the for-profit sector in the state sector.

Our findings must be treated with some caution. Identifying and characterising the for-profit school population was a challenge because so little recognition and oversight exists. Although the study was carried out recently, the rapid growth of the sector coupled with the use of secondary datasets (which may contain errors), and the closure of some of the schools in the

study since the end point of data collection means that any analysis is reflective of one moment in time. However, the study does provide an insight into the current status of, and trends within, the for-profit school sector using criteria of identification that other researchers are able to apply.

We found a total of 943 for-profit schools to be operating in England (578 schools and 365 special schools). It is a sector of growth, with strongest presence in London and the South East. There is a higher proportion of special schools to other schools in comparison to the state-funded schooling sector. There is also a high proportion of small schools.

We found that the for-profit schooling sector is under-regulated in comparison to the state-funded schooling sector. This was evidenced through the lack of regulations existing in relation to the financial management of for-profit schools, in addition to limited regulations existing in terms of the educational oversight and staffing requirements of for-profit schools. The alignment of policies relating to academies and free schools with those operating in the independent sector is a cause for concern for those opposed to the operation of for-profit providers: lack of oversight of this sector in other countries such as India has led to the *de facto* operation of schools for-profit (Tooley, 2007). Furthermore, the weakening of the state's role in education reduces the accountability of schools to the communities they serve as the recent withdrawal of Wakefield City Academies Trust from the sponsorship of 21 schools in Yorkshire demonstrates. There needs to be greater use of short- and long-term evidence to inform the debate about the role of profit making companies in education.

Although a narrow range of performance measures were used to examine patterns in school performance outcomes, this research project found that (i) schools in the for-profit schooling sector underperform in terms of Ofsted school inspection ratings in comparison to the state-funded schooling sector; (ii) schools in the for-profit sector underperform at KS4 in comparison to the not-for-profit independent sector, but show no significant difference with schools in the state-funded sector; (iii) schools in the for-profit schooling sector achieve a higher average A Level points score per pupil than schools in the state-funded schooling sector, but a lower average than other independent schools. These findings undermine the argument that the profit motive is effective at improving school performance. There is evidence that this is consistent with the US picture: in a review of outcomes of American charter schools, Lubienski (2013) draws on a number of studies to argue that in terms of student achievement, charter schools are no better, and are often worse, than public schools.

Finally, the study highlights the increased risk of financial mismanagement and unqualified staff resulting from under-regulation and lack of scrutiny of the sector. Given that many small providers in the for-profit schooling sector are working with vulnerable populations - for example as alternative providers for children who have experienced trauma or other social, emotional or mental health problems, there is a need for greater scrutiny and oversight of these schools, particularly where a school proprietor is the same person as the owner of the residential care home.

This understanding calls for a re-evaluation of the consequences of educational policies that have introduced and seek to expand market mechanisms in the state-funded schooling sector, such as the proposed introduction of profit-making. As an interim measure, one way of

increasing transparency and accountability would be to include ‘for-profit’ and ‘alternative’ as a category of school (or independent school) in educational databases.

A future programme of research is likely to focus on a wider range of performance outcome measures of the sector, and also the long-term impacts in the sector as a whole. The NPD could be further used to create a control group for a like-for-like measure rather than a whole population comparison. Other useful indicators might include the the destination of school leavers and pupil attainment measures controlling for intake and prior attainment. There is also scope for further qualitative work focusing on the curriculum offered and educators’ experiences working in these schools, or on the actual profitability of for-profit schools.

Disclosure statement

No potential conflict of interest was reported by the authors.

References

Academies Enterprise Trust. “Executive Board.” Academies Enterprise Trust
<http://www.academiesenterprisetrust.org/governance/executive-board> (accessed March 21st, 2017).

Ball, Stephen J. 2009. "Privatising Education, Privatising Education Policy, Privatising Educational Research: Network Governance and the ‘competition State’." *Journal of Education Policy* 24 (1): 83-99.

Ball, Stephen J. 2015 “Why should we be worried about profit-making in schools?” IOE London Blog <https://ioelondonblog.wordpress.com/2015/05/07/why-should-we-be-worried-about-profit-making-in-schools/> Accessed January 17th, 2015).

Barkham, Patrick, and Polly Curtis. 2010. “Michael Gove has no ‘ideological objection’ to firms making profits by running academy schools.” *The Guardian*.
<https://www.theguardian.com/politics/2010/may/31/michael-gove-academy-schools-profit>. May 31, 2010.

Boffey, Daniel. 2011. “Free schools: private firm Cognita ‘milked profits’”. *The Guardian*.
<https://www.theguardian.com/education/2011/apr/10/private-firm-profits-free-schools>. April 10, 2011.

Charity Commission for England and Wales. *Charity reporting and accounting: the essentials November 2016 (CC15d)* Accessed January 17th, 2018

- https://www.gov.uk/government/publications/charity-reporting-and-accounting-the-essentials-november-2016-cc15d/charity-reporting-and-accounting-the-essentials-november-2016-cc15d
- Cognita. 2017. "Sir Chris Woodhead: 1946-2015." Cognita. <http://www.cognitaschools.com/sir-chris-woodhead-1946-2015/>. Accessed March 20, 2017.
- Croft, James. 2010. "Profit-making free schools, unlocking the potential of England's proprietorial schools sector". UK: ASI (Research) Ltd., 2010.
- Davies, Bronwyn, and Peter Bansel. 2007. "Neoliberalism and Education." *International Journal of Qualitative Studies in Education* 20, (3): 247-59.
- Davis, A. 2016. "Increase in private education fees is driving out middle-class families." *Evening Standard*. Accessed May 5, 2016. <http://www.standard.co.uk/news/education/increase-in-private-education-fees-is-driving-out-middleclass-families-a3240636.html>
- Department for Education. 2012. "Academies to have same freedom as free schools over teachers". Accessed December 12th, 2016
<https://www.gov.uk/government/news/academies-to-have-same-freedom-as-free-schools-over-teachers>.
- Department for Education. 2014. *Exempt charities and the role of the Secretary of State as Principle Regulator*. Accessed January 29, 2018
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/294996/Academies_as_exempt_charities_FINAL3.pdf
- Department for Education. 2015. *Financial stability, cost charge and value for money in the children's residential care market*. Accessed January 29, 2017
[http://ipc.brookes.ac.uk/publications/DfE_Childrens_residential_care_market_report-June2015.pdf](http://ipc.brookes.ac.uk/publications/DfE_Childrens_residential_care_market_report_June2015.pdf)
- Department for Education. 2016a. *Schools, pupils and their characteristics: January 2016 (national tables: SFR20/2016)* (Microsoft Excel file Accessed March 14, 2017)
<https://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2016>.
- Department for Education. 2016b. *Registration of independent schools, departmental advice for proprietors and prospective proprietors of independent schools in England*. Accessed March 15 2017.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492259/Registration_of_independent_schools.pdf.
- Department for Education. 2017a. "Types of school". Accessed April 3, 2017.
<https://www.gov.uk/types-of-school/overview>.

Department for Education. 2017b. *Governance handbook: for academies, multi-academy trusts and maintained schools*. Accessed February 2, 2017.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/582868/Governance_Handbook_-_January_2017.pdf.

Department for Education. 2017c. *List of all free schools: open or in pre-opening stage (up to April 2017)* (Microsoft Excel file. Accessed April 18, 2017).
<https://www.gov.uk/government/publications/free-schools-open-schools-and-successful-applications>.

Edubase. n.d. "Glossary." Accessed March 11, 2017
<http://www.education.gov.uk/edubase/glossary.xhtml?letter=I>.

Education Act 2011.

Education Funding Agency. 2016a. *Schools financial value standard and assurance (SFVS)*. Accessed March 3, 2017 <https://www.gov.uk/guidance/schools-financial-value-standard-and-assurance-sfvs>.

Education Funding Agency. 2016b. *Academies financial handbook for academy members, trustees, accounting officers, chief financial officers and auditors*. Accessed March 14, 2017
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/535870/Academies_Financial_Handbook_2016_final.pdf.

Green, Francis, Rebecca Allen, and Andrew Jenkins. 2015. "Are English free schools socially selective? A quantitative analysis". *British Educational Research Journal*, 41(6):907-924.

Hatcher, Richard. 2011. "The Conservative-Liberal Democrat Coalition government's "free schools" in England." *Educational Review*, 63(4): 485-503.

Higham, Rob. 2014. "Free schools in the big society: the motivations, aims and demography of free school proposals". *Journal of Education Policy*, 29(1):122-139.

Hill, Cynthia D., and David M. Welsch, 2009. "For-profit versus not-for-profit charter schools: An examination of Michigan student test scores." *Education Economics*, 17(2):147-166.

House of Commons. 2012. *October 24 Debate (vol 551, col 308WH)*. Accessed April 26, 2017.
<https://hansard.parliament.uk/Commons/2012-10-24/debates/12102442000003/SchoolGovernors?highlight=%22for-profit%20schools%22#contribution-12102442000347>.

House of Commons. 2014. *June 10 Debate (vol 582, col 440)*. Accessed February 5, 2017.
<https://hansard.parliament.uk/Commons/2014-06-10/debates/14061054000001/HomeAffairs?highlight=%22for%20profit%20schools%22#contribution-14061063000029>.

Junemann, Carolina, and Stephen J. Ball. 2013. "ARK and the revolution of state education in England." *Education Inquiry*, 4(3): 423-441.

- Lubienski, Christopher. 2013. "Privatising form or function? Equity, outcomes and influence in American charter schools". *Oxford Review of Education*, 39(4): 498-513.
- Morris, Estelle. 2011.. "Exempting schools from Ofsted inspection is a worrying policy." *The Guardian*. Accessed April 18, 2017
<https://www.theguardian.com/education/2011/nov/21/ofsted-inspections-outstanding-schools-exempt>.
- Nixon, Rob. 2013. *Slow violence and the environmentalism of the poor*. Harvard University Press.
- Ofsted. 2016a. *The annual report of her Majesty's Chief Inspector of Education, Children's Services and Skills 2015/16*. Accessed March 17, 2017
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/574186/Ofsted_annual_report_education_and_skills_201516_web-ready.pdf
- Ofsted. 2016b. *Maintained schools and academies inspection outcomes as at 31 December 2016*. Accessed March 18 2017 from:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/601821/Maintained_schools_and_academies_inspection_outcomes_as_at_31_December_2016.pdf.
- Roberts, Nerys. 2017. "FAQs: Academies and free schools (briefing paper number 07059)". London: The House of Commons Library.
- Sandel, Michael J. 2012. *What Money Can't Buy*. London: Penguin.
- See, Helena. 2012. *Profit in education: where are we now?* Policy Connect. Accessed January 17, 2018 from:
http://www.policyconnect.org.uk/apgse/sites/site_apgse/files/report/340/fieldreportdownload/profitineducation-wherearewenow.pdf
- The Charity Commission. 2014. *How to set up a charity (CC21a)*. Accessed February 8, 2017 from: <https://www.gov.uk/guidance/how-to-set-up-a-charity-cc21a#step-1-decide-if-a-charity-is-the-right-option>.
- The Education (Independent School Standards) Regulations 2014.
- Thorsen, Dag Einar. 2010. "The neo-liberal challenge. What is neo-liberalism?" *Contemporary Readings in Law and Social Justice*, 2(2): 188-214.
- Tomlinson, Sally. 2015. "The future is not what it used to be". *Forum*, 57(3): 263-276.
- Tooley, James. 2007. "Could for-profit private education benefit the poor? Some a priori considerations arising from case study research in India." *Journal of Education Policy*, 22(3):321-342.

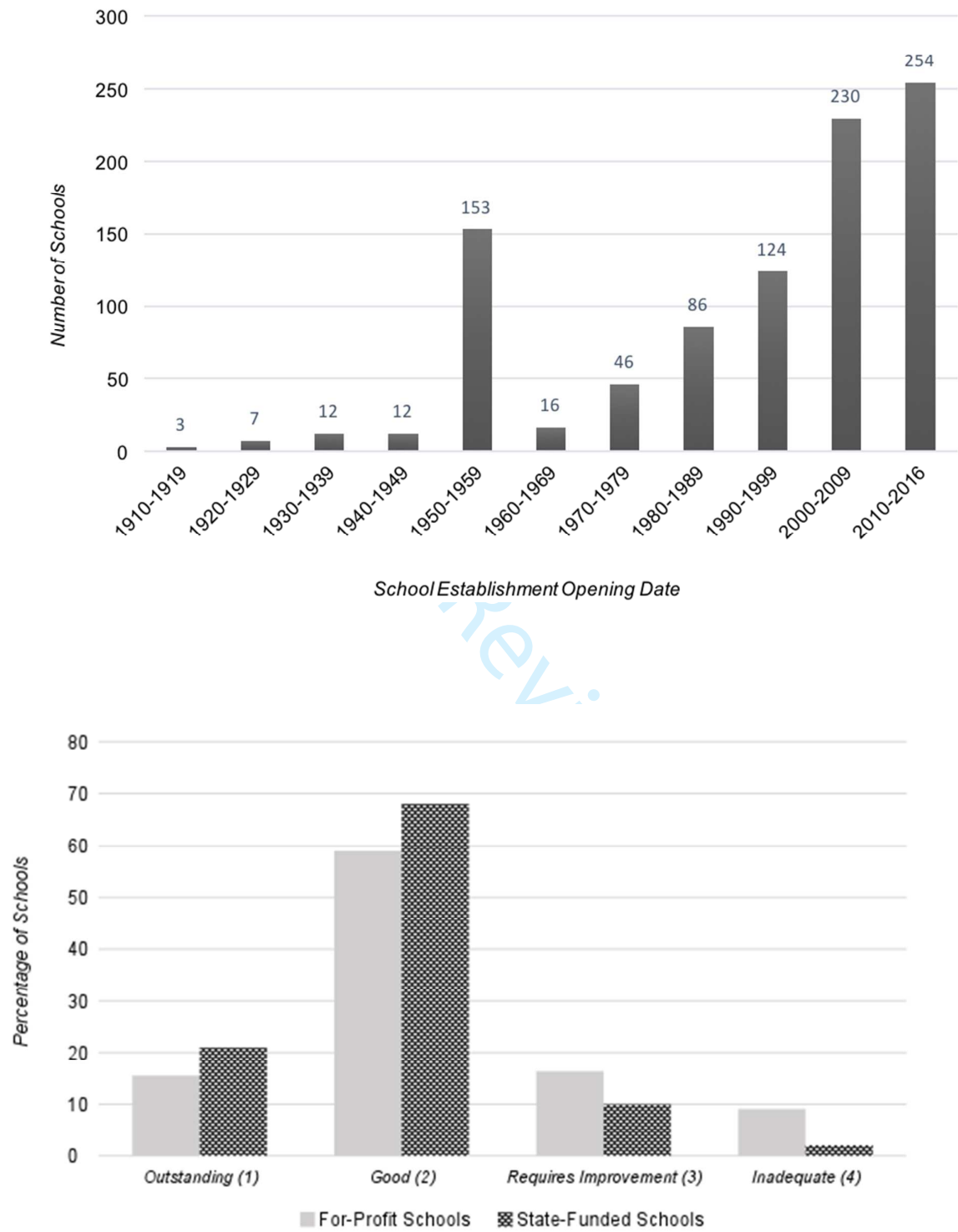


Figure 1. School Establishment Opening Date of For-Profit Schools

Figure 2. Ofsted Inspection Outcomes of For-Profit and State-Funded Schools

Greatest for-profit provision		Least for-profit provision	
<i>Local Education Authority</i>	<i>Number of for-profit schools operating</i>	<i>Local Education Authority</i>	<i>Number of for-profit schools operating</i>
Kent	33	Blackpool	0
Lancashire	32	Gateshead	0
Kensington and Chelsea	32	Isles of Scilly	0
Surrey	28	Luton	0
Essex	25	Newcastle upon Tyne	0
Hampshire	23	Poole	0
Camden	22	Portsmouth	0
Cambridgeshire	21	Reading	0
Wandsworth	20	Redcar and Cleveland	0
Birmingham	19	Rotherham	0
Leicestershire	16	South Tyneside	0
Staffordshire	16	St Helens	0
Westminster	16	Swindon	0
		York	0

Table 1: Geographical hot and cold spots of for-profit provision

Sector	Average % students obtaining 5+ A*-C at GCSE	Average A level point score per pupil
For-profit	50.45	224.23
Not-for-profit independent	59.88	233.72
State	54.20	203.98

Table 2: Outcomes at end of key stages 4 and 5 by sector

For Peer Review Only

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Surrey	28	Luton	0
Essex	25	Newcastle upon Tyne	0
Hampshire	23	Poole	0
Camden	22	Portsmouth	0
Cambridgeshire	21	Reading	0
Wandsworth	20	Redcar and Cleveland	0
Birmingham	19	Rotherham	0
Leicestershire	16	South Tyneside	0
Staffordshire	16	St Helens	0
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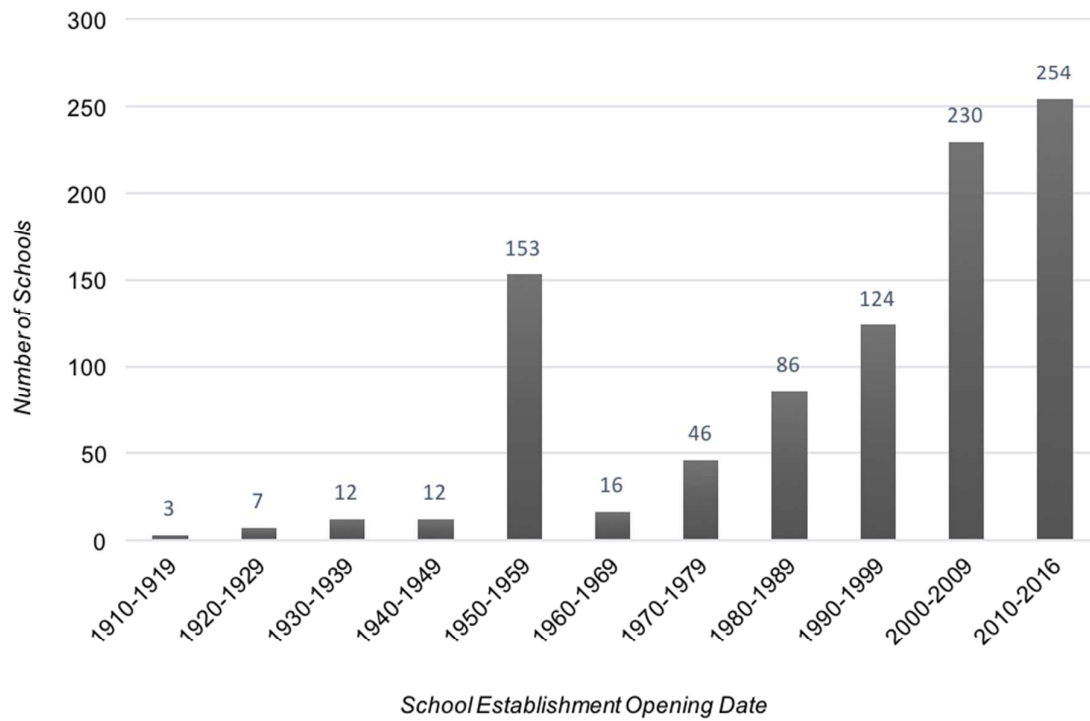


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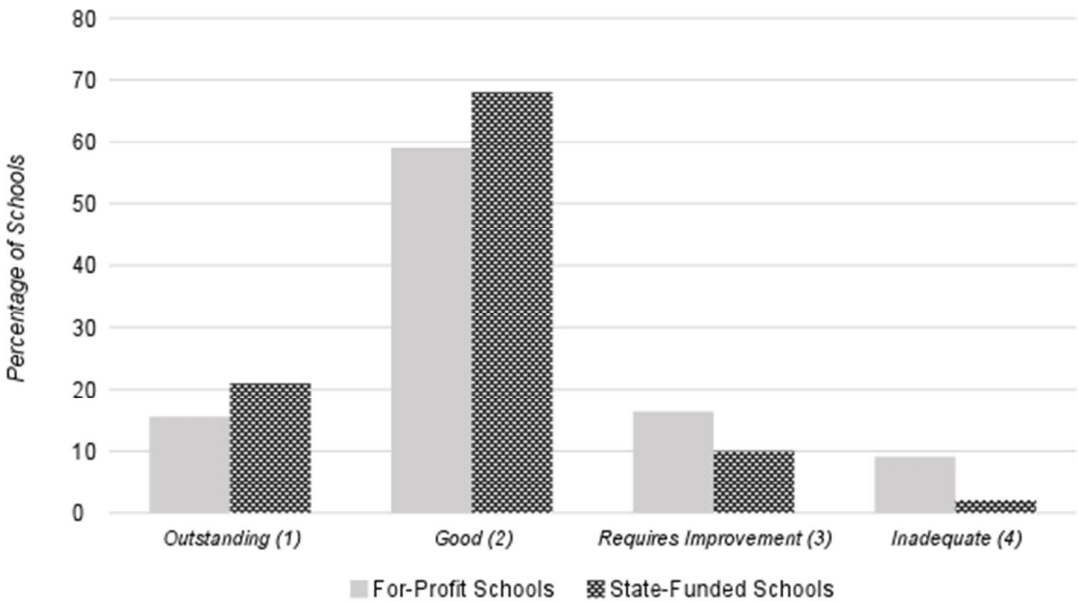


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